



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,125	08/06/2001	Michael L. Obradovich	9800.1024	9724

7590

12/17/2004

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/923,125

Applicant(s)

OBRADOVICH, MICHAEL L.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 60-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 60-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 06/17/04 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/923,125 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 60-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bickford et al. (US Patent No. 6,021,320) in view of DeLorme et al. (US Patent No. 5,948,040).

Regarding claim 60, Bickford discloses a system for receiving entertainment programs in a vehicle, comprising: a receiver for receiving, from sources remote from the vehicle, data concerning categories in which the entertainment programs are classified based on contents thereof (see col. 14-15, lines 1-67); and a display for presenting thereon at least one category, together with a collection of one or more indicators in association with the at least one category, wherein the one or more indicators represent one or more of the remote sources currently providing entertainment program receivable by the receiver (see col. 4, lines 38-52); however, Bickford fails to explicitly teach the association is determined based on the data, thereby facilitating selection of a remote source represented by an indicator in the collection to receive an

Art Unit: 2173

entertainment program, which is classified in the at least one category and currently provided by the remote source.

DeLorme teaches the association is determined based on the data, thereby facilitating selection of a remote source represented by an indicator in the collection to receive an entertainment program, which is classified in the at least one category and currently provided by the remote source (see col. 5-6, lines 1-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide facilitating selection of a remote source represented by an indicator in the collection to receive an entertainment program, which is classified in the at least one category and currently provided by the remote source as taught by DeLorme to a broadcast receiver system by Bickford in order to provide a user interface selectable categories of the vehicle entertainment for programs accompanying the available communication signal.

Regarding claim 61, Bickford discloses wherein at least one of the sources is a radio station (see figure 2).

Regarding claim 62, DeLorme discloses wherein at least one of the sources is a television (TV) source (see col. 15, lines 14-32).

Regarding claim 63, DeLorme discloses wherein at least one of the remote sources is an audio source (see figures 4-6).

Regarding claim 64, DeLorme discloses wherein at least one of the remote sources is a video source (see figures 1B-1-1B-3)

As claims 65-69 are analyzed as previously discussed with respect to claims 61-64.

Art Unit: 2173

Claim 70 differs from claim 60 in that “a display for presenting thereon a selected category, together with at least one option associated with at least one of the sources which currently provides a signal containing an entertainment program classified in the selected category, the option being selectable to receive the entertainment program currently provided by the at least one source” which broadly read on DeLorme (see col. 16, lines 16-59).

Regarding claim 71 DeLorme discloses wherein the plurality of sources are determined as a function of a location of the vehicle (see col. 35, lines 9-60).

Regarding claim 72 DeLorme discloses further comprising a mechanism for providing global positioning system (GPS) information indicating the location of the vehicle (see col. 29, lines 9-67).

As claims 73-98 are analyzed as previously discussed with respect to claims 60-64 and 70 above.

Response to Arguments

3. Applicant's arguments filed 06/17/04 have been fully considered but they are not persuasive.

Accordingly, the claimed invention as represented in the claims do not represent a patentable distinction over the prior art of record as discussed above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

12/05/04